into wetland area. On October 22, 2012, the Corps of Engineers issued the LONO, confirming that the excavation of the wetland to create a flood storage pond is not a federally regulated activity because the project will not discharge dredged or fill material back into the wetland area.

Historical Aerials

As seen in the attached aerial photos and drain tile map, the site was historically farmed up until development adjacent to the property impacted the field tile, interrupting the site drainage and allowing the wetland to form.

IWPA

In reviewing the IWPA Implementation Procedures, it is unclear to us that this project clearly falls into a category for review. For example, the definition for "Destruction" says *"...This includes, but is not limited to, the placement of dredge or fill material into a wetland, the drainage of a wetland, filling in of a wetland through sedimentation, etc."* This particular project is strictly excavation of a wetland to increase the flood storage capacity of the area. The bottom of the basin will be re-established as wetland. There will be a net increase in total wetland area due to the addition of the Phase I area.

None of the other definitions found in the IWPA for wetland impact appears to fit, as this project involves a larger area of wetland than allowed for under the other definitions.

Conclusion

We request a review to determine the applicability of the IWPA to the proposed project; and if applicable, a description of the mitigation requirements/ratios that would apply.

The following information is attached to assist with your review.

1. Copy of the Corps of Engineers August 6, 2012 LONO request submittal.
2. Copy of the Corps of Engineers October 22, 2012 issued LONO.
3. Wetland Delineation Report
4. Site location maps, historic aerial photos, flood photos and supporting exhibits.
5. Preliminary Engineering for the Drainage Improvement.

If you have questions or concerns regarding this request, please do not hesitate to contact me.

Sincerely,

Jedd Anderson

Jedd Anderson
Vice President
Head, Environmental Resources Department

April 9, 2013

Illinois Department of Natural Resources
Realty and Environmental Planning
One Natural Resources Way
Springfield, IL 62702-1271

Attn: Pat Malone

Subject: Proposed Village of Bartlett Flood Mitigation Project
Phase II Streamwood Parcel Flood Storage Expansion
Bartlett, Cook County, IL
(CBBEL Project No. 08-558.00006)

Dear Mr. Malone:

As discussed by phone, attached please find a copy of the proposed grading and planting plan for the Phase II – Streamwood Parcel Flood Mitigation Project. The following provides a discussion of the concept wetland enhancement/basin plan for the proposed project To assist in your review, a copy of the concept plan is attached.

Concept Plan Discussion

The wetland basin bottom has been designed with the intent being to create a **Hemi-Marsh** environment. As you know, Hemi-Marshes are characterized by an open mix of emergent and/or floating-leaved vegetation interspersed with a submersed plant community. The submersed community may consist of species like sago pondweed, coontail, and wild celery, while the emergent or floating-leaved group may include deeper water species like broad-leaved cattail, American lotus, white water lily, and common bur reed. The combination of emergents and floating-leaved species with open water creates an ideal combination of food and cover for many aquatic-dependent birds and amphibians. We can expect that American bitterns, blue herons, great egrets common moorhens and possibly pied-billed grebes may use these areas to nest. The rich vegetation also provides exceptional habitat for zooplankton and insects that are a critical part of the site's intricate food web.

The NWL of the pond is 779.5. As you will see we have created an undulating shelf that sits approximately 1 foot above the NWL to allow the establishment of a wet prairie/shoreline plant community. The grade will then slope down gently and continually towards the bottom; allowing for establishment of emergent and submersed aquatic plant communities finishing with an open water interior.

The embankment surrounding the basin will be planted with native prairie species and augmented with native trees and shrubs.

The prairie and wet prairie communities would be seeded and augmented with live plantings. The shoreline, emergent and aquatic communities would be established through the use of live plants and limited seed (i.e. lily pads). The Village is committed to completing 3 to 5 years of maintenance and monitoring of the wetland area to meet performance standards that would be established for the area. The main goal of the standard will be establishment of native dominated plant communities.

Based on the hydrologic and hydraulic modeling of the area the stage duration curves suggest suitable hydrology for establishing the proposed native plant communities. Additionally, based on soil borings completed in this area, portions of the wetland establishment area will be finished graded within hydric organic soils (peat) and is expected to provide an excellent growing medium for the plantings.

If this project proceeds and the grant monies are awarded copies of the preliminary engineering and maintenance and monitoring plans will be provided to you for review and comment, allowing us to optimize are design to maximize the functional benefits this area can provide.

Mitigation Credit Calculations

The proposed project will cause a temporary impact by lowering the bottom of the 9.4 acre wetland to create the flood storage necessary. In return, 10.4 acres of wetland will be established over the entire basin bottom, in conjunction with 2.2 acres of native prairie to be established upon the basin embankment. Resulting in a net gain of 1.0 acres of wetland on site, and a total restored native habitat area of 12.6 acres.

Our understanding is that under the IWPA with a wetland disturbance classification of “Minimal”, onsite mitigation can be provided at a 1:1 ratio. This project as mentioned above will result in a net increase of 1.0 acres of wetland, thereby exceeding the 1:1 “no net loss” ratio.

As we discussed previously, this project’s grant funding is dependent on the project showing a “benefit/cost” (BC) ratio of greater than 1.0. If additional off-site credits are required to be purchased, the BC ratio will drop below this ratio and the project would not be eligible for the HMGP grant. We request that the proposed wetland enhancement program be considered as acceptable for mitigation and that no additional off-site wetland mitigation credits be required.

Conclusion

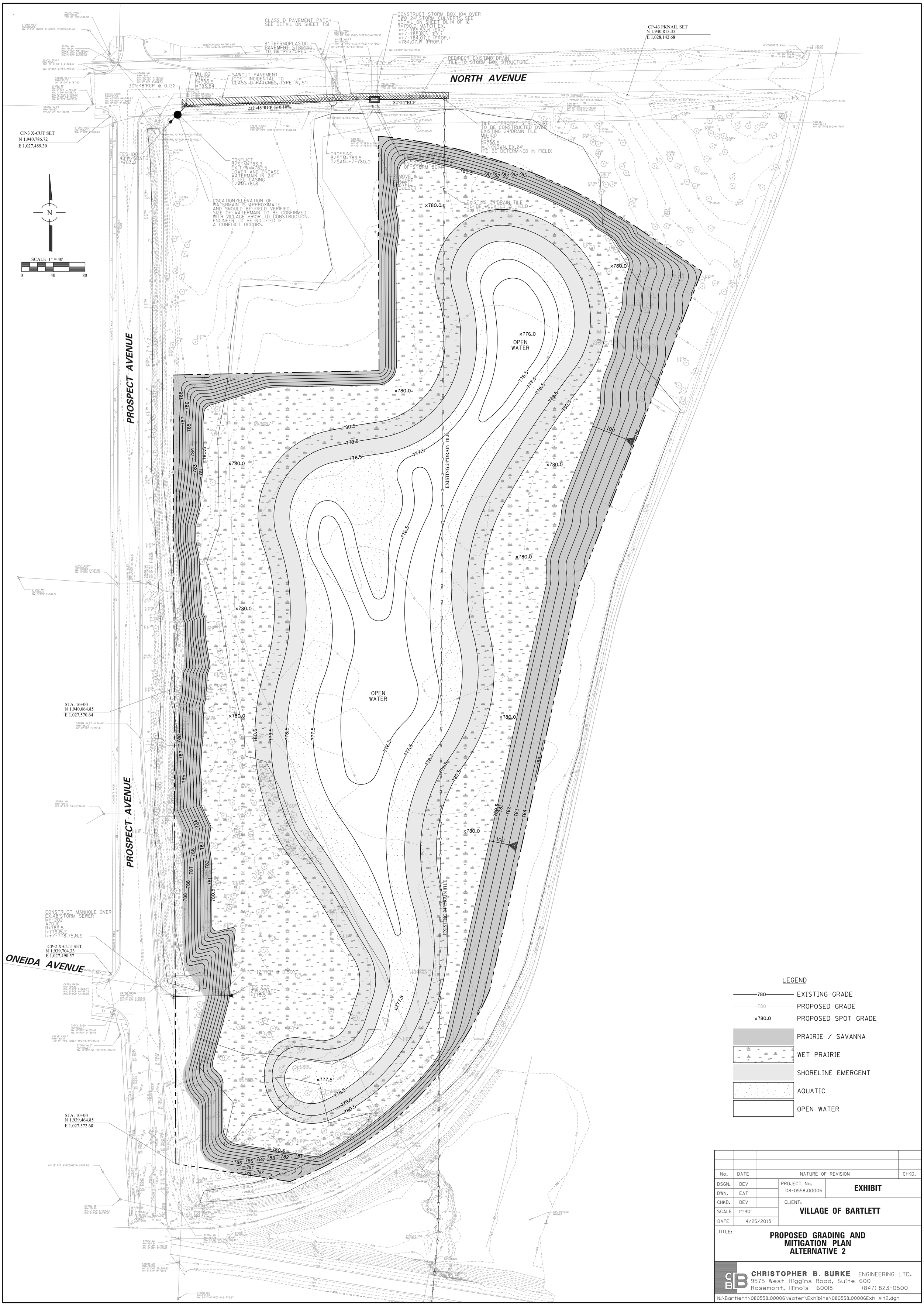
In our opinion, the proposed plan will enhance and improve upon the function of the current wetland area. The current wetland is degraded, dominated by non-native and invasive species and has been impacted hydraulically. We request that all mitigation for the proposed project be provided within the project site to maintain a positive benefit/cost ratio.

If you have questions or concerns regarding this request, please do not hesitate to contact me.

Sincerely,

Jedd Anderson PWS, CWS, CPESC
Vice President
Head, Environmental Resources Department

Cc: Paul Kuester – Village of Bartlett
Steve Bosco – Village of Bartlett
Ron Davis - IEMA



No.	DATE	NATURE OF REVISION	CHKD.

DSGN.	DEV	PROJECT No. 08-0558.00006	EXHIBIT
DWN.	EAT		
CHKD.	DEV	CLIENT: VILLAGE OF BARTLETT	
SCALE	1"=40'		
DATE	4/25/2013		

TITLE: **PROPOSED GRADING AND MITIGATION PLAN ALTERNATIVE 2**

CHRISTOPHER B. BURKE ENGINEERING LTD.
9575 West Higgins Road, Suite 600
Rosemont, Illinois 60018 (847) 823-0500

N:\Bartlett\080558.00006\Water\Exhibits\080558.00006Exh Alt2.dgn

From: Malone, Pat
To: jedd@cbbel.com
Subject: RE: Bartlett HMGP - IDNR Consultation
Date: Friday, April 12, 2013 2:24:05 PM

Hi Jedd,

This project has been Terminated in ECOCAT for both E and T's and Wetlands and should proceed through normal channels at IEMA.

Pat

From: Jedd M. Anderson [mailto:jedd@cbbel.com]
Sent: Friday, April 12, 2013 1:30 PM
To: Malone, Pat
Cc: dolson@cbbel.com
Subject: Bartlett HMGP - IDNR Consultation

Hi Pat,

Thanks for speaking with Darren this morning regarding the Bartlett Project. Attached is a copy of the EcoCAT that was completed recently. If you have any questions or need any additional info please give me a call.

Jedd M. Anderson PWS, CPESC, CWS, DECI
Vice President
Head, Environmental Resources Department

Christopher B. Burke Engineering, Ltd.
9575 W. Higgins Road, Suite 600
Rosemont, IL 60018

Phone: (847) 823-0500
Fax: (847) 318-9793
Cell: (847) 343-7818
E-Mail: janderson@cbbel.com

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From: Malone, Pat
To: jedd@cbbel.com
Subject: RE: Bartlett Flood Mitigation Project
Date: Friday, February 15, 2013 2:31:11 PM

Hi Jedd,

That is correct, any pass through funding would be covered by the IWPA and IEMA would be the responsible State agency for coordination. I'll be out next week so if you have any questions just call my cell 217-891-4317.

Pat

From: Jedd M. Anderson [mailto:jedd@cbbel.com]
Sent: Friday, February 15, 2013 9:38 AM
To: Malone, Pat
Cc: dolson@cbbel.com
Subject: Bartlett Flood Mitigation Project

Hi Pat,

We have a project in Bartlett which consists of construction of a flood control reservoir which will excavate wetland. We are in the process of coordinating with FEMA regarding a grant opportunity to help finance construction of the facility. The funding would be directed through the Illinois Emergency Management Agency (IEMA) for disbursement to the Village of Bartlett. Due to this pass through funding am I assuming correctly that this project must be submitted for review under the IWPA?

Jedd M. Anderson PWS, CPESC, CWS, DECI
Vice President
Head, Environmental Resources Department

Christopher B. Burke Engineering, Ltd.
9575 W. Higgins Road, Suite 600
Rosemont, IL 60018

Phone: (847) 823-0500
Fax: (847) 318-9793
Cell: (847) 343-7818
E-Mail: janderson@cbbel.com

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CHRISTOPHER B. BURKE ENGINEERING, LTD.
9575 West Higgins Road Suite 600 Rosemont, Illinois 60018 TEL (847) 823-0500 FAX(847) 823-0520

August 6, 2012

US Army Corps of Engineers
111 N. Canal Street, 6th Floor
Chicago, IL 60606-7206

Attn: Kathy Chernich - Regulatory

Subject: Request for **Letter of No Objection**
Phase II the Proposed Village of Bartlett Flood Storage Basin,
Bartlett, Cook County, IL
(CBBEL Project No. 08-558)

Dear Ms. Chernich:

On behalf of the Village of Bartlett, we request issuance of a "letter of no objection" for construction of Phase II of the proposed flood storage basin.

Background
Since 2007, Bartlett has been included in three Federal Major Disaster Declarations due to strong storms and flooding. The September 2008 and July 2010 disasters caused severe flooding to residential areas in the Village of Bartlett. The primary cause of flooding in these areas is the large volume of stormwater runoff draining from older sections of the Villages of Bartlett, Streamwood, and Hanover Park as well as areas of Unincorporated Cook County located upstream of the residential areas.

The Village of Bartlett proposes to excavate an existing wetland area to create additional flood storage. The proposed activity is consistent with the Illinois Natural Hazard Mitigation Plan's (INHMP) overall goal to reduce the damages to people and property from natural hazards.

The Streamwood Parcel is located at the southeast corner of North Avenue and Prospect Avenue in the Village of Bartlett (recently annexed from the Village of Streamwood) as shown on the attached exhibit. The proposed project consists of creating approximately 100 acre-feet of additional stormwater storage volume. The property is owned by the Village of Bartlett, and has been dedicated for flood storage in an October 2009 Inter-Governmental Agreement between the Village of Streamwood and the Village of Bartlett. The flood storage basin has been designed to be completed in two phases. Phase 1 was completed in November 2010 to provide immediate flood relief by creating approximately 16 acre-feet of additional storage outside of wetland areas.

Phase II (which is the subject of this letter) will expand the flood storage facility. The existing wetland area currently provides a minimal flood storage benefit. Excavation of the wetland will significantly increase the flood storage capabilities. The expanded basin will

provide a total of approximately 100 acre-feet of additional off-line storage volume and is anticipated to lower flood elevations in surrounding residential areas by over a foot based on XP-SWMM hydrologic and hydraulic modeling. The lowered flood elevations will reduce recurring flood damages to approximately 70 residential properties.

Phase II Project Description

Phase I of the project has been completed. Phase I of the project consisted of excavation of upland area on the project site to create additional flood storage. Phase II of the proposed project consists of the excavation of a large wetland area found on site. The Phase I and II areas will be combined with the finished basin. The site will result in a net increase in the surface area of waters of the United States. A copy of the wetland delineation report is attached.

Tulloch Rule

The project is proposed to be completed with **no discharge** into waters of the United States. The Clean Water Act (CWA) prohibits "the discharge of any pollutant" into "waters of the United States" without a permit. Section 404 of the CWA, administered primarily by the Corps, is the permitting authority for the "discharge of dredged or fill material" both pollutants under the CWA into the waters of the United States. As the statutory text indicates, § 404 jurisdiction depends on the presence of a *discharge*, which, under the relevant statutory and regulatory definitions, equates to an *addition* of a pollutant or material. Thus, § 404 permits are required primarily for activities that result in an addition of material to waters of the United States, for example, the filling of jurisdictional wetlands. Excavation activities in waters of the United States, however, generally have not required a § 404 permit, because they typically involve only the removal of material.

Certainly there will be incidental fall back of material that falls off of the bucket during excavation. However, under that standard, two primary factors should be considered: (1) the time the material is held before being dropped back to earth; and (2) the distance between the place where the material is collected and the place where it is dropped. In this case, material would fall back at the place of excavation. Material that does not fall back will be placed in trucks and hauled to an upland disposal site. Therefore, in our opinion, there is no discharge of material regulated under the CWA.

Phase II Details

Phase II of the proposed project will be constructed with no placement of excavated material within wetland or waters of the United States. As can be seen on the attached construction phasing drawing, a mat system will be installed to all equipment and truck access into the wetland. The equipment and trucks will only operate from upon the mats. Excavated material will be scooped up and placed into the dump trucks. The trucks will immediately leave the site to be placed on an offsite non-wetland area. As construction progresses, the mat access roads will be moved over to allow continued excavation.

Once excavation is complete, all exposed soil surfaces will be seeded and either blanketed or covered with a high performance bonded fiber matrix to stabilization the site and improve germination.

No definable discharge of material other than seed, or organic erosion control blanket or hydromulch will occur. No structures, utility lines, backfilling (including topsoil) will be placed within the area. The excavated area's bottom will be seeded with native seed mixes and will

continue to function as wetland. The basin side slopes will likewise be seeded with native species.

Please issue a Letter of No Objection to allow this project to proceed. Attached to assist in your review is a copy of the project area map, wetland delineation report, and construction sequencing plan.

If you have any questions or comments, or would like to meet to discuss this project, please do not hesitate to call.

Sincerely,

Jedd Anderson
Vice President
Head, Environmental Resources Department

Cc: Paul Kuester - Village of Bartlett Public Works Director
Matt Mann, PE – Village of Streamwood Public Works Director
Darren Olson - CBBEL

Request for a Letter of No Objection

This form can be used when you want confirmation that a project on your property does not fall under the regulatory requirements of the U.S. Army Corps of Engineers (USACE). Please supply the following information and supporting documents described below. This form can be filled out online and then printed. It **must be signed by the property owner** to be considered a formal request. Submitting this request authorizes the US Army Corps of Engineers to field inspect the property site, if necessary, to help in the determination process. The printed form and supporting documents should be mailed to:

Regulatory Branch
U.S. Army Corps of Engineers, Chicago District
111 N. Canal Street, Suite 600
Chicago, IL 60606-7206

Additionally, you may either call our branch telephone at (312) 846-5530 or view our website at http://www.lrc.usace.army.mil/co-r/newapps.pdf to determine which number and project manager has been assigned to your request. Project Manager contact information can be found here: http://www.lrc.usace.army.mil/co-r/contacts.htm. Please contact us if you need any assistance with filling out this form.

Location and Information about Property to be subject to a Letter of No Objection

Property Address/Location: Southeast corner of North Avenue and Prospect Avenue

City (name) or Unincorporated: Bartlett State: IL Zip: 60103

County: Cook Township name: Hanover

Quarter: SE Section: 35 Township: 41N Range: 9E of the 3rd PM

Lat/Long in Decimal Degrees: 41.59360 °N 88.10210 °W

Size of Property in Acres: 14.5 Tax PIN: 06-35-400-043-0000

Prior or related USACE project number: _____

Is the property subject to a conservation easement or deed restriction? (☒Yes or ☐No)
If yes, please explain and submit details of the project area.

Open Space & Floodwater Storage IGA between Streamwood and Bartlett

Was the property a site for mitigation pursuant to a project previously permitted by USACE? (☐Yes or ☒No) If yes, please explain and submit details of the project area.

Is the property neighboring/adjacent to/bordering a project previously permitted by the USACE? (☒Yes or ☐No) If yes, please explain and submit the name of the project, the permittee's name and/or address, and Corps permit number, if available:

Property Owner Contact Information:

Property Owner Name (must be an individual): Matt Mann - Public Works Director

Property Owner Company (if applicable): Village of Streamwood

Mailing Address: 301 E. Irving Park Road

City: Streamwood State: IL Zip: 60107

Daytime Telephone: (630) 736-3800 Fax:

E-Mail Address: Mmann@streamwood.org

If the person requesting the Letter of No Objection is **not** the Property Owner, please also supply the Requestor's contact information here:

Requestor Name: Jedd Anderson - Christopher B. Burke Engineering, Ltd.

Mailing Address: 9575 W. Higgins Road, Suite 600

City: Rosemont State: IL Zip: 60018

Daytime Telephone: 847-456-1595 Fax:

E-Mail Address: jedd@cbbel.com

If you have any of the following information, please include it with your request: wetland delineation, grading plans, relevant maps, topographic survey, and site photographs. Please identify on the required site map, plat of survey, or in a separate drawing: the footprint, location, and type of potential work. It will assist us in determining if no permit is necessary, and will be referenced in our response letter.

Please describe the proposed work on the property:

The proposed project consists of creating approximately 100 acre-feet of additional flood storage volume. The property is owned by the Village of Streamwood, and has been dedicated for flood storage in an October 2009 Inter-Governmental Agreement between the Village of Streamwood and the Village of Bartlett. The Village of Bartlett proposes to excavate an existing wetland area to create additional flood storage. The proposed activity will reduce flood damages to adjacent residential properties and is consistent with the Illinois Natural Hazard Mitigation Plan's (INHMP) overall goal to reduce flood damages.

I hereby certify that the information contained in the Request for a Letter of No Objection is accurate and complete:

Signature of Property Owner: Date:

8/1/2012

DEPARTMENT OF THE ARMY
CHICAGO DISTRICT, CORPS OF ENGINEERS
111 NORTH CANAL STREET
CHICAGO, ILLINOIS 60606-7206

REPLY TO
ATTENTION OF:

October 22, 2012

Technical Services Division
Regulatory Branch
LRC-2009-00573

SUBJECT: No Objection to Dredging a Wetland for a Flood Storage Basin Located in Bartlett, Cook County, Illinois

Matt Mann
Public Works Director
Village of Streamwood
301 E. Irving Park Road
Streamwood, Illinois 60107

Dear Mr. Mann:

This is in response to your August 8, 2012 request that the U.S. Army Corps of Engineers issue a letter of no objection for the above-referenced activity. The subject project has been assigned number LRC-2009-00573. Please reference this number in all future correspondence concerning this project.

Following a review of the information you furnished to this office and assuming your project is conducted only as set forth in the information provided, this office has determined that the subject property does not require a Department of the Army (DA) permit to complete the proposed work. Please be aware that any unpermitted discharge into an area within the jurisdiction of this office may result in civil or criminal enforcement under the Clean Water Act, 33 U.S.C. Sec. 1319.

This determination is valid for a period of 5 years from the date of this letter and covers only your project as depicted in the plans titled NORTH AVENUE AND PROSPECT AVENUE DRAINAGE IMPROVEMENTS VILLAGE OF BARTLETT dated August 3, 2012 as prepared by CBBEL, Ltd. Soil erosion and sediment controls (SESC) measures shall be implemented at the project site and properly maintained throughout construction of the project. Proper installation and regular maintenance of SESC measures will prevent construction materials from entering downstream locations.

It is your responsibility to obtain any required state, county, or local approvals for impacts to wetland areas not under the Department of the Army jurisdiction.

This determination is based only on the proposed activity and is not an approved jurisdiction determination for the subject parcel. If you wish to receive an approved jurisdiction determination or have any questions, please contact Kate M. Bliss of my staff by telephone at 312-846-5542 or email at Kate.M.Bliss@usace.army.mil.

Sincerely,

Kathleen G. Chernich

Kathleen G. Chernich
Chief, East Section
Regulatory Branch

Copy Furnished:

CBBEL, Ltd. (Jedd Anderson)